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VIA FACSIMILE AND COURIER SERVICE

October 13, 2008

Jeff S. Jordan, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6055

Dear Mr. Jordan:

On behalf of Dan Seals for Congress and Harry Pascal, as Treasurer, this letter is submitted in response to the complaint filed by Daniel Bryant, dated August 13, 2008. On April 24, 2008, Barbara M. Schroyer contributed \$1,000 to Dan Seals for Congress from an account that she held jointly with her recently deceased husband, Mr. Robert M. Schroyer. The contribution was mistakenly reported as coming from Mr. Schroyer. The complaint alleges that by accepting "a contribution by a dead man," the committee knowingly accepted a contribution made in the name of another. These allegations are unsupported and false. The Federal Election Commission should find no reason to believe that Dan Seals for Congress violated the Federal Election Campaign Act of 1971, as amended, or the Commission's regulations, and it should dismiss the matter.

I. Facts

Dan Seals is a candidate for United States Congress in Illinois' Tenth Congressional District. Dan Seals for Congress is his authorized candidate committee.

On or about April 24, 2008, Barbara M. Schroyer instructed her bank to issue an online check for \$1,000 to Dan Seals for Congress. (Attachments A, B). The check was drawn on an account that was held jointly by Mrs. Schroyer and her recently deceased husband, Robert M. Schroyer, who passed away on February 21, 2008. (Attachments B, C). Though the account was held jointly by the couple, only Mr. Schroyer's name appeared on the check. Further, because the

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check was issued through an online banking service, Mrs. Schroyer did not sign the check. *See generally* Advisory Op. 2007-17 (discussing online banking services).

Dan Seals for Congress reporting receiving the check on May 7, 2008. Because the check bore Mr. Schroyer's name, the committee erroneously attributed the contribution to Mr. Schroyer instead of Mrs. Schroyer in its July 2008 quarterly report. The committee had Mr. Schroyer's occupation and employer information on file from previous contributions, so it did not send a follow-up letter about the contribution.

After Respondents learned about the instant complaint, they contacted Mrs. Schroyer to determine the source of the contribution. On September 2, 2008, Mrs. Schroyer wrote a letter to the committee that confirmed that the contribution was made from her and not from her deceased husband. (Attachment B) The committee has since amended its filing to reflect the fact that the contribution was made by Mrs. Schroyer.

II. Legal Analysis

The Federal Election Campaign Act and the Commission's regulations make it impermissible to "make a contribution in the name of another person . . . and no person shall knowingly accept a contribution made by one person in the name of another person." 2 U.S.C. § 441f; *see* 11 C.F.R. § 110.4(b)(iv). The Complaint alleges that, by "accept[ing] a contribution from a dead man," Dan Seals for Congress violated these provisions. This allegation is entirely incorrect. The committee accepted a permissible contribution and has taken all appropriate efforts to report the contribution properly.

A. Dan Seals for Congress Did Not Accept a Contribution in the Name of Another

The Complainant alleges that the committee violated the law by accepting a contribution from a dead man. This allegation is entirely false. The \$1,000 contribution received by the committee on May 7, 2008 was clearly made by Mrs. Schroyer. Mrs. Schroyer asked her bank to issue a check to Dan Seals for Congress from an account over which she had joint ownership. This contribution is entirely permissible under FECA.

B. Dan Seals for Congress has Reported the Contribution Properly.

At all times, Dan Seals for Congress took reasonable steps to properly report Mrs. Schroyer's contribution. The check that the bank sent to the committee only bore the name of one of the two joint account-holders, Mr. Schroyer. Accordingly, the committee erroneously – but reasonably – reported the contribution as one from Mr. Schroyer. After determining that the contribution was from Mrs. Schroyer, and not from Mr. Schroyer, the committee amended its FEC filing to reflect this fact.

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The committee has met its other filing obligations under the Commission's regulations. The regulations require a committee's treasurer to use his or her best efforts to obtain all required information about a contributor. 11 C.F.R. § 104.7. Because Mr. Schraye had made contributions to the committee in the past, the committee already had Mr. Schraye's employer and occupation information on file. Thus, when it received a check that only named Mr. Schraye, it was under no obligation to send a follow-up letter to him. 11 C.F.R. § 104.7(b)(3)

In addition, the committee met its obligations under 11 C.F.R. § 104.8(c). Section 104.8(c) states that "any contribution made by check shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee." In a recent advisory opinion, the Commission clarified the duties of a committee that receives an electronic check that is signed by the bank instead of the contributor. The Commission found that a committee "is not required to send a follow-up letter to each contributor who makes a contribution in the form of a check issued by an online banking service in order to obtain a written signature when all of the necessary contributor information is included on the check." Advisory Op. 2007-17. Because the check issued by the bank listed Mr. Schraye's name and address, and because the committee had Mr. Schraye's other information on file, it was not required to send a follow-up letter to him.

III. Conclusion

In sum, the Complaint does not allege any facts that, if true, would lead to the conclusion that Dan Seal for Congress knowingly accepted a contribution made in the name of another. To the contrary, the undisputed facts demonstrate that the committee acted reasonably, accepted a permissible contribution from Mrs. Schraye, and took all necessary efforts to report the contribution properly. Accordingly, for the reasons set forth above, Dan Seal for Congress respectfully requests that the complaint against it be dismissed.

Very truly yours,



Brian G. Svoboda

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JUF News

Local Stories

Jewish leader Robert M. Schroyer dies at 75

By Joel Schatz
Assistant Director of Communications

Robert M. Schroyer, one of the Jewish community's most prominent and long-serving leaders locally, nationally and internationally, died Thursday, Feb. 21. He was 75.

Schroyer, of Highland Park, is one of the few people to have twice headed the Board of Directors of the Jewish United Fund/Jewish Federation of Metropolitan Chicago, as President from 1979 to 1981, and as Chairman in 1988. He was Chairman of JUF's Jewish Community Relations Council from 1981 to 1984, chaired JUF's Annual Campaign in 2005, and headed countless committees and events over a communal career that spanned decades.



Robert M. Schroyer addressing a Jewish Federation Annual Meeting

At the national level, Schroyer chaired the 2001 and 2002 Annual Campaigns of the United Jewish Communities, the umbrella organization for all North American Jewish Federations, and UJC's 2003 Israel Emergency Campaign, which provided terror relief to the people of Israel. He also served on the Board of the National Jewish Community Relations Advisory Council, chaired the National Young Leadership Cabinet of the United Jewish Appeal, and served as UJA's vice president and regional chairman.

Internationally, Schroyer was a member of the executive committee of the Jewish Agency for Israel and the American Jewish Joint Distribution Committee.

In 1987, Schroyer received the Julius Rosenwald Memorial Award, the Chicago Jewish Federation's highest honor. Other honors included the Human Rights Medallion of the American Jewish Committee, the Herbert Goren Award of the Young Leadership Cabinet of the UJA, and the Chicago Jewish Federation's first Young Leadership Award.

In 2003, Schroyer was inducted into the Jewish Community Centers of Chicago Hall of Fame.

The Schroyer family has been part of the Chicago Jewish community since before the Civil War, and has a long heritage of communal leadership. Schroyer's father, Max Robert Schroyer, is the only person ever to have served as general chairman of three JUF Annual Campaigns. Schroyer's wife, Barbara, son, Skip, and daughters, Elizabeth and Deborah, all also have been active in a wide range of Jewish communal efforts.

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